

STAFF REPORT: ADMINISTRATION



REPORT TO: Finance and Administration  
Committee  
MEETING DATE: January 18, 2011  
REPORT NO.: A.11.03  
SUBJECT: Procedural By-law Review  
PREPARED BY: Stephen Keast, Administrative  
Assistant

#### A. Recommendations

THAT the Finance and Administration Committee receive Staff Report A.11.03, Procedural By-law Review, for information purposes; and

THAT the Committee provide direction on the following Recommendations for By-law revisions to Council based on the background information contained in this Report:

**Recommendation 1.** Section 2, **Intent of By-law**, be revised to refer to the Council Code of Conduct adopted by the previous Council.

**Recommendation 2.** Subsection 4.7, **Meetings of Council**, be revised to read that in addition to the Head of Council or the Chair of a Committee, the Chief Administrative Officer (CAO) or CAO Designate may also cancel a regularly scheduled meeting, following consultation with the Head of Council or Chair of the Committee, where possible.

**Recommendation 3.** Subsection 4.7, **Meetings of Council**, be revised by deleting "or for any other reason" and inserting "or a lack of corporate business requiring immediate attention" and further revised with the addition of a new last sentence reading "Where a statutory public meeting has been scheduled, every reasonable effort shall be made to conduct the meeting subject to the provisions of this clause."

**Recommendation 4.** Subsection 9.1.d.v., **Declaration of Conflict of Interest (Pecuniary Interest)**, be implemented as currently written and contained in the *Municipal Act, 2001*, being that where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

**Recommendation 5.** Subsection 16.3, **Motions / Resolutions**, be clarified to note that prior to a question being voted on, each member shall *take their seat in respect of the vote* (current wording is they *shall* vote, which intends to mean they shall respect the call for the vote).

**Recommendation 6.** Subsection 16.8, **Motions / Resolutions**, be revised to note that a request for a recorded vote must be made immediately before the vote only and to note that a member expressing preliminary intent to call for a recorded vote does not act to minimize, terminate or quash debate on a matter.

**Recommendation 7.** Section 16.8, **Motions / Resolutions**, be implemented as currently written, being that following a request for a recorded vote, the Chair of the meeting shall vote last.

**Recommendation 8.** That Council install provision for a “simultaneous recorded vote”, where a member may request such a vote in the manner of a recorded vote and the Clerk or Secretary will provide a ballot to each member who records their vote secretly for or against the question.

**Recommendation 9.** Subsection 17.1, **Notice of Motion**, be clarified as to the requirement for a Secunder on a Motion shown on an Agenda arising from Notice of Motion given at a previous meeting.

**Recommendation 10.** Subsections 21.1. a), **Committees**, be modified to note the Standing Committees have four designated members, all having voting privileges and all responsible to attend *and at the inaugural meeting shall select a Chair from among them*. The method of election should also be prescribed.

**Recommendation 11.** Subsection 21.4, **Committees**, be modified to clarify the Head of Council is an ex-officio member of all Committees but attendance at meetings would not be considered as part of the quorum unless the Mayor was specifically appointed or designated.

## **B. Background**

Traditionally, Council reviews the Procedural By-law at some point following an election for any revisions that the new Council may wish to implement as to procedure.

The procedural By-law may also be revised at any time Council so desires. The current By-law No. 2009-59 was enacted on August 10, 2009 and was amended by By-law 2009-78 on November 9, 2009, so as to reflect the revised Standing Committee structure (Infrastructure and Recreation Committee, non-designated members may attend). This represents the last review and revision to Council procedures.

The following have been identified over the past year as matters or topics Council may wish to revisit or consider with regard to Council and Committee procedure:

**Recommendation 1.** Section 2, **Intent of By-law**, be modified to refer to the Council Code of Conduct adopted by the previous Council. The Code of

Conduct could be added as a Schedule “B” after the Accountability and Transparency Policy attached as Schedule “A”. This would move the Deputation Form to Schedule “C”.

**Recommendation 2.** Section 4.7, **Meetings of Council**, be revised to read that in addition to the Head of Council or the Chair of a Committee, the Chief Administrative Officer (CAO) or CAO Designate may also cancel a regularly scheduled meeting, following consultation with the Head of Council or Chair of the Committee, where possible.

The By-law currently reads “The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or for any other reason and where a statutory public meeting under the *Municipal Act, 2001*, the *Planning Act*, the *Development Charges Act* or any other Act as scheduled for the cancelled meeting, the public notice will indicate that the public meeting shall be held at the next regular meeting of Council or the Committee and any notice requirements shall be deemed to have been complied with.”

**Recommendation 3.** Subsection 4.7, **Meetings of Council**, be revised by deleting “or for any other reason” and inserting “or a lack of corporate business requiring immediate attention” and further revised with the addition of a new last sentence reading “Where a statutory public meeting has been scheduled, every reasonable effort shall be made to conduct the meeting subject to the provisions of this clause.”

It is suggested that cancelling a meeting based on the wording “or for any other reason” is vague and meetings are occasionally cancelled if insufficient business is present on the Agenda to warrant a gathering of the assembly, particularly at the Committee level. Where a statutory public meeting has been scheduled, with notice having been circulated, every reasonable effort should be made to proceed with the public meeting, particularly where there may simply be a lack of other business for the meeting.

**Recommendation 4.** Subsection 9.1.d.v., **Declaration of Conflict of Interest (Pecuniary Interest)**, be implemented as currently written and contained in the *Municipal Act, 2001*, being that where the interest of a member has not been disclosed by reason of the member’s absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

While this is a relatively minor matter, given that decisions were already made by members who were in attendance, who did not have an interest and with the business of the meeting already confirmed by a Confirmation By-law. Members who were absent from a meeting where an interest would have been declared are reminded to declare it at the following meeting prior to adoption of minutes.

**Recommendation 5.** Subsection 16.3, **Motions / Resolutions**, be clarified to note that prior to a question being voted on, each member shall **take their seat in respect of the vote** (current wording is they **shall** vote, which intends to mean they shall respect the call for the vote). Roberts Rules of Order states “*Although it is the duty of every member who has an opinion on a question to express it by his vote, he can abstain, since he cannot be compelled to vote*” pg. 394. This wording could be considered for insertion into the By-law for clarification, with appropriate, gender-neutral wording.

The *Municipal Act, 2001* states in the case of a recorded vote, a failure to vote shall be deemed to be a vote in the negative, and this is reflected in the By-law at present. There has been discussion as to whether an abstention should be deemed to be a negative vote in all situations, but given the Act’s specific wording and limitation and the fact a member cannot be compelled to vote, a solicitor should be consulted on this matter if it is to proceed.

**Recommendation 6.** Subsection 16.8, **Motions / Resolutions**, be revised to note that a request for a recorded vote must be made immediately before the vote only and to note that a member expressing preliminary intent to call for a recorded vote does not act to minimize, terminate or quash debate on a matter.

The *Municipal Act, 2001*, notes a member may request a recorded vote immediately before or after the taking of the vote, but such a request made after taking the vote simply acts to have the vote repeated and may in fact result in confusion if the outcome of the vote changes. This Recommendation should be read together with Recommendation 8.

**Recommendation 7.** Section 16.8, **Motions / Resolutions**, be implemented as currently written, being that following a request for a recorded vote, the Chair of the meeting shall vote last.

This has not been our practice to date and future recorded votes shall be in alphabetical order of those members present with the Chair voting last.

**Recommendation 8.** That Council install provision for a “simultaneous recorded vote”, where a member may request such a vote in the manner of a recorded vote and the Clerk or Secretary will provide a ballot to each member who records their vote secretly for or against the question.

The Clerk or Secretary then collects the ballots and reads aloud the members name and vote on the matter and declares the question Carried or Lost. Such a voting process is similar to a standard recorded vote except the members are not aware of the voting of others until the final tally by the Clerk or Secretary.

**Recommendation 9.** Subsection 17.1, **Notice of Motion**, be clarified as to the requirement for a Secunder on a Motion shown on an Agenda arising from Notice of Motion given at a previous meeting. There has been a request to identify a Notice of Motion as requiring only a Mover as presently, such a Motion is

currently treated as any other Motion, subsection 16.1 requiring a Mover and Secunder for a Motion to be put before Council.

A Motion made under Notice of Motion could also be considered at the meeting at which it is introduced if a majority of Council agrees. Council might consider increasing this requirement to two thirds of the members present to align with Section 19.0, Reconsideration. If Council did so agree by Motion to reconsider, a Mover and Secunder would still be required for the main Motion.

It should be noted the Town of Collingwood Procedural By-law is similar to By-law 2009-59, in that a Secunder is required for any Motion to do business, whether arising from Reports or Notice of Motion. The Collingwood By-law also enables the Clerk to revise any Notice of Motion received so as to ensure consistent format.

Roberts Rules of Order states *“The three steps by which a motion is normally brought before the assembly are as follows:*

- 1. A member makes the motion. (The words move and offer also refer to this step).*
- 2. Another member seconds the motion.*
- 3. The chair states the question on the motion”* pg. 31, and

*“If no member seconds the motion the chair must be sure that all have heard it before proceeding to other business”* pg. 34, and

*“The requirement of a second is for the chair’s guidance as to whether he should state the question on the motion, thus placing it before the assembly. Its purpose is to prevent time from being consumed by the assembly’s having to dispose of a motion that only one person wants to see introduced”* pg. 35.

Roberts Rules of Order further states *“In handling routine motions, less attention is paid to the requirement of a second. If the chair is certain that a motion meets with the wide approval but members are slow in seconding it, he can state the question without waiting for a second.*

*However, until debate has begun in such a case, or if there is no debate, until the chair begins to take the vote and any member has voted – a point of order can be raised that the motion has not been seconded and the chair must proceed formally and ask if there is a second”* pg. 35.

**Recommendation 10.** Subsections 21.1. a), **Committees**, be modified to note the Standing Committees have four designated members, all having voting privileges and all responsible to attend *and at the inaugural meeting shall select a Chair from among them.* The method of election should also be prescribed.

This clause should be further modified to note that quorum shall be determined among the designated members only.

A clause similar to 21.4, Head of Council ex-officio, should also be inserted, noting non-designated members do not have the privilege of raising new business or adding matters to an agenda.

**Recommendation 11.** Subsection 21.4, **Committees**, be modified to clarify the Head of Council is an ex-officio member of all Committees but attendance at meetings would not be considered as part of the quorum unless the Mayor was specifically appointed or designated.

12. For information purposes, Subsection 4.7, **Meetings of Council**, allows for a meeting to be cancelled due to inclement weather. This section notes in the case of a scheduled, statutory public meeting, the public meeting will be re-scheduled for the next regular meeting and the public notice will reflect this. It should be researched if statutory meeting notices have been so modified.

13. For information purposes, Subsection 18.3, **Rules of Debate**, lists the types and class of Motions available to Council.

14. For information purposes, Subsection 19.0, **Reconsideration**, states reconsideration of a Resolution previously approved and entered upon the minutes (recorded) shall first be agreed to by a Motion with the support of two thirds of the Members present. Roberts Rules of Order states "*To change what the assembly has adopted requires something more than was necessary to adopt it in the first place*" pg. 73.

It should be noted that some Procedural By-laws also contain a time element for reconsideration, for example the passing of thirty days or a certain number of regular meetings.

15. For information purposes, the *Municipal Conflict of Interest Act* notes where more than one member has declared a pecuniary interest, a quorum of Council can be as low as two members.

### **C. The Blue Mountains Strategic Plan**

Goal Providing a strong, well managed municipal government

Action Implement processes for continuous improvement

### **D. Environmental Impacts**

None

### **E. Budget Impact**

None.

## **F. Attached**

1. Corporate Policy POL.COR.07.07, Code of Conduct for Members of Council.
2. By-law 2009-59, Office Consolidation, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains.

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**TOWN OF THE BLUE MOUNTAINS**

**POLICY & PROCEDURES**

**Subject Title:** Code of Conduct for Members of Council

Corporate Policy <small>(Approved by Council)</small>	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.07
Administrative Policy <small>(Approved by CAO)</small>	<input type="checkbox"/>	By-law No.:	2009 - 86
Department Policy: <small>(Approved by Mgr.)</small>	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved: December 14, 2009		Staff Report: A.09.11	

**Policy Statement**

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

**Purpose**

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. Such an appointment is not contemplated by this Policy at this time.

The Code of Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in local government.

**Application**

This policy applies to members of the Council of The Corporation of the Town of The Blue Mountains in the performance of their duties and responsibilities as elected community representatives, as well as members of Town Committees and Local Boards.

## Definitions

Municipality – means The Corporation of the Town of The Blue Mountains.

Members – means members of The Blue Mountains Council, Town Committees and Local Boards of the municipality.

Committee - means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

Local Board: means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

## Procedures

### 1. Statement of Principle

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis of acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that The Blue Mountain's elected and appointed representatives operate from a base of integrity, justice and courtesy.

Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council members and the public.

The Town of The Blue Mountain's Code of Conduct is a general standard that augments Provincial laws and municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of members. (ie the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*) The Criminal Code of Canada also governs the conduct of members of Council.

All members whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

### 2. Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by

law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2 shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Chair of the Finance and Administration Committee shall approve the exception.

### **3. Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are confidential.

Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Where a matter has been discussed at a closed session meeting and the information remains confidential, no member shall disclose the content of the matter or the substance of deliberations of the closed session meeting.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Town of The Blue Mountains;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*, and

- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. It is recommended that requests for information be referred to the Office of the Clerk to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

#### **4. Use of Town Property**

Subject to Section 5, no member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised.

No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Town of The Blue Mountains.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

#### **5. Use of Town Technology Resources**

The Town of The Blue Mountains licenses the use of computer software from a variety of vendors. The Town does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

#### **6. Work of a Political/Personal Nature**

Members shall comply with Town Policy A.POL.01, Use of Corporate Resources for Election purposes and no member shall use Town facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town.

No member shall use Town facilities, services or property for his or personal business gain. No member shall use the services of Town employees for his or her personal business during the hours in which the employees are in the paid employment of the Town.

#### **7. Conduct at Meetings**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Town's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

## **8. Representing the Town**

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

## **9. Influence on Staff**

Members shall comply with Town Policy HR.06.02, Respectful Workplace, and shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.

## **10. Business Relations**

No member shall borrow money from any person who regularly does business with the Town unless such person represents an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before Council or any Committee or Local Board of Council or any Agency at which the Town is represented.

## **11. Expenses**

Members shall comply with the provisions of the Town's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

Members shall be reimbursed out-of-pocket expenses incurred in accordance with approved Town policies while attending official functions and representing the Town in their official capacity.

## **12. Encouragement of Respect for the Town and its By-Laws and Policies**

Members shall encourage public respect for the Town and its by-laws and policies.

## **13. Harassment**

Members shall comply with Town Policy HR.06.01, Discrimination and Harassment-Free Workplace. Discrimination or harassment of another member, staff or any member

of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

#### **14. Interpretation**

Members seeking clarification of any part of this Code should consult with their solicitor.

#### **15. Complaints**

The Mayor may commence an investigation of any potential breach of this Code on his or her own accord or in response to a written complaint in the following manner:

- a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- b) Determine if a member or members have committed a breach of the Code.
- c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.

The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.

In the event that the complaint relates to the Mayor, the written submission will be made to the Finance and Administration Committee who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section.

#### **Exclusions**

None

#### **References and Related Policies**

The *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, Procedural By-law No. 2007-29, Town Policies POL.AD.07.01 through and including POL.AD.07.06, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

#### **Consequences of Non-Compliance**

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Conduct include:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days.

### **Review Cycle**

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

BY-LAW NO. 2009 - 59

**Office Consolidation: Revised by 2009 - 78****“Being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains”**

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

**1.0 DEFINITIONS:**

1. “COUNCIL” means the elected and sworn members of the Council of the Town of The Blue Mountains
2. “HEAD OF COUNCIL” means the Mayor
3. “ACTING HEAD OF COUNCIL” shall first mean the Deputy Mayor and secondly another designate who shall act as presiding officer in the absence of the Mayor or Deputy Mayor.
4. “CLERK” shall mean the Clerk of the Corporation of the Town of The Blue Mountains or his/her designate who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and every other Act
5. “CLOSED SESSION” shall mean closed to the public as defined in Subsection 4.2 of this By-law
6. “COMMITTEE OF THE WHOLE” shall mean a meeting of Council in Committee format for discussion purposes
7. “COMMITTEE” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards
8. “COMMITTEE CHAIR” means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member
9. “CONFLICT OF INTEREST” means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*
10. “LOCAL BOARD” means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority
11. “MEETING” shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them, but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority

12. "QUORUM " shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum may be less than half plus one of the whole number of members but shall not be less than two

## **2.0 INTENT OF BY-LAW**

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees and Local Boards thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
2. All Points of Order of procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.
3. This By-law should be read in conjunction with Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public as attached to this By-law as Schedule "A" and which is hereby declared to form part of this By-law.

## **3.0 LOCATIONS, MEETING TIMES AND NOTICE**

1. The First or Inaugural Meeting of the Council of a local Municipality after a regular election shall be held on the first Monday in December, at 11:00 a.m. in the forenoon, in the Town of The Blue Mountains Council Chamber.
2. Council shall have regular Council Meetings in the Council Chambers or other designated location on the second and fourth Monday of each month at 7:00 p.m. save and except statutory holidays when Council shall meet at the same hour on the following Wednesday.
3. Notice of Council Meetings Committee and Local Board Meetings shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the Town website prior to the meeting and by publication of Council and Committee and Local Board Meetings in local newspapers having general circulation in the area. In the case of Special Meetings called in accordance with Section 5.0 of this By-law, notice shall be given by posting of the Agenda on the Town website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the timeframe.

## **4.0 MEETINGS OF COUNCIL**

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.
2. All regular Council meetings and Committee and Local Board meetings shall be open to the public, but a meeting or any part thereof may be closed to the public if the subject matter being considered is:
  - a) the security of the property of the municipality or local board;
  - b) personal matters about an identifiable individual, including municipal or local board Employees;
  - c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;

- d) labour relations or employee negotiations;
  - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - f) the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose;
  - g) a matter in respect of which a Council, board, Committee or other body has authorized a meeting to be closed under another Act.
  - h) related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act.
  - i) the educating or training of Council or a Committee or a Local Board and at the meeting, and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.
3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.2 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, Committee or Local Board or persons retained by or under contract with the Town, Committee or local board or to rise from closed session.
  4. Before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee or a Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.
  5. With the exception of the Inaugural Session, no person but a member or support staff shall be allowed to approach the Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 12.
  6. Every meeting of Council shall be deemed to be adjourned at the hour of 11:00 p.m. save and except with the unanimous consent of Council.
  7. The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or for any other reason and where a statutory public meeting under the *Municipal Act, 2001*, the *Planning Act*, the *Development Charges Act* or any other Act as scheduled for the cancelled meeting, the public notice will indicate that the public meeting shall be held at the next regular meeting of Council or the Committee and any notice requirements shall be deemed to have been complied with. In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as is practicable via either telephone or e-mail or the Town website or radio or any other method, as well as the date of re-scheduling.

## **5.0 SPECIAL MEETINGS OF COUNCIL**

1. The Mayor shall if requested in writing by any three members of Council call a special meeting of Council other than as described in Section 3.0 of this By-law.
2. The Mayor may call a special meeting other than as described in Section 3.0 of this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.

3. Special meetings require minimum notice of one clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

## **6.0 ROLE OF THE MAYOR**

1. It is the role of the Mayor as the Head of Council:
  - a) to Act as Chief Executive Officer of the municipality;
  - b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
  - c) to provide leadership to Council;
  - d) to represent the municipality at official functions;
  - e) to carry out the duties of the Head of Council under any Act; and
  - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Town of The Blue Mountains.
2. As Chief Executive Officer of the Town, the Head of Council shall:
  - a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the Town's activities;
  - c) act as the representative of the Town both within and outside the municipality and promote the Town locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the Town and its residents.

## **7.0 ROLE OF COUNCIL**

It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Town;
- b) to develop and evaluate the policies and programs of the Town;
- c) to determine which services the Town provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) to ensure the accountability and transparency of the operations of the Town, including the activities of the senior management of the Town;
- f) to maintain the financial integrity of the Town; and
- g) to carry out the duties of Council under any Act.

## 8.0 CONDUCT OF MEMBERS

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
3. No person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.
4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

## 9.0 AGENDA

1. The Order of Business shall be as follows:
  - a) Meeting called to order
  - b) Moment of Personal Prayer or Reflection
  - c) Approval of Agenda
  - d) Declaration of Conflict of Interest - as defined in the *Municipal Conflict of Interest Act*. Where a member has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:
    - i) shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
    - ii) shall not, at any time, take part in the discussion or, or vote on, any question in respect of the matter;
    - iii) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
    - iv) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
    - v) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

- e) Adoption of Consent Agenda
- f) Adoption of Previous Minutes
- g) Deputations - as referred to in Section 13 of this By-law
- h) Correspondence - as received in the Clerk's Office no later than 10:00 a.m. on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
- i) Motions and Staff Reports - as received in the Clerk's Office no later than 1:00 p.m. on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting.
- j) New and Unfinished Business - new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the subject meeting including the giving of Notice of Motion for any Motion to be brought before Council at a subsequent meeting by any member.
- k) By-laws - as received in the Clerk's Office no later than 12:00 noon on the Wednesday previous to the subject meeting and circulated to members of Council for review no later than 3:00 p.m. on the Wednesday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith.
- l) Consent Agenda - Accounts, Committee Reports and Committee Minutes - shall be circulated by the Clerk by 3:00 p.m. on the Wednesday preceding the next regular meeting. A member may make brief comments to an item on the Consent Items list prior to the consideration of the adoption of the matters listed however, if a member wishes to debate, ask questions of staff or amend the recommendation of an item listed, the member shall request the item(s) be removed from the Consent Agenda items list for individual consideration.
- m) Agenda Additions - shall include matters that were not able to be shown on the Agenda on the Wednesday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Council to act upon, including Motions for which notice or recommendation has not been given prior to the meeting and shall be presented at the meeting but shall not include matters requiring a financial commitment by Council unless agreed to by a majority of Council. As an issue of accountability and transparency and provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.  
  
 Agenda Additions will be limited to matters as received in the Clerk's Office no later than 3:00 pm on the Friday preceding the next regular meetings and such Additions will be circulated to Council and Staff and shall be posted on the Town's website at that time. Agenda Additions received after this date and time shall be considered at the next regular Council meeting unless they are deemed to be of significant importance to the business of the municipality.
- n) Confirmation By-law and Adjournment - a motion to adjourn is always in order and shall be decided upon

## **10.0 ORDER OF BUSINESS**

1. The business of Council shall be taken in the order in which it stands upon the agenda unless otherwise agreed upon by a majority of the members present.
2. The Chair or designate of each Committee submitting a report shall field questions regarding same during discussions of that report as may be required.
3. When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

## **11.0 COUNCIL MINUTES**

1. The Minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
2. All Minutes and Committee Minutes and Reports following adoption by Council and all By-laws passed by the Council shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours and shall be posted on the Town website, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law and subject to the provisions of any applicable by-law, act or statute.
3. Minutes of Council meetings shall be prepared by the Clerk or Committee Secretary and be made available to the members prior to the next meeting for consideration and revision and adoption at the next meeting, following which they will be made available to the public save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law and subject to the provisions of any applicable by-law, act or statute.

## **12.0 CORRESPONDENCE and COMMUNICATION**

1. Correspondence shall be referred by the Mayor and/or Clerk to the appropriate Committees at their regular meetings or after presentation to the Council, whichever comes first. Correspondence for which no action has been directed nor discussion taken place shall be deemed to have been received by Council.
2. Correspondence addressed to the Council may be presented by a member in their place.
3. When any correspondence, application or proposition presented by a member is referred to any Committee, such member shall be duly notified of the meeting or meetings of the Committee at which the same is to be heard, considered or resolved upon.
4. Correspondence addressed to Council or directed to any Public Meeting forming part of a Council or Committee or Board meeting, including names and addresses, become part of the public record and may be published in a Staff Report or a Council Agenda and may be viewed by the general public upon release of the Agenda addressing the matter.

## **13.0 DEPUTATIONS**

1. Any person desiring to present information orally on matters of fact or to make a request of Council shall submit a completed Deputation and Procedure Form as attached to this By-law as Schedule "B" and which is hereby declared to form part of this By-law no later than 10:00 a.m on the Wednesday before the subject

meeting and time before Council will be arranged for as soon as is practicable and appropriate. Any exceptions must be approved by a majority of Council.

2. Each deputation shall be limited in speaking to not more than ten minutes. Extensions to these limits will be at the discretion of the majority of Council.
3. The Clerk or designate may direct that a deputation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.

#### **14.0 COMMITTEE OF THE WHOLE**

1. The Rules of the Council as provided for in this By-law shall be observed in Committee of the Whole and in the procedure of Committees of Council, excepting the Rules relating to the vote being recorded. The Clerk or designate or Committee Secretary shall record in the Minutes all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole or Committee for subsequent consideration by Council.
2. Whenever it shall be resolved for Council to move into Committee of the Whole upon any questions, the Mayor shall appoint another member as Chair for Committee purposes unless permission to remain is given by a majority of Council.
3. A Motion in Committee of the Whole to rise and report on a matter or matters to Council, or to rise and beg leave to sit again on a matter or matters without reporting to Council, shall be in order and shall be decided without debate.

#### **15.0 BY-LAWS AND AGREEMENTS**

1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 8.0.1 k) of this By-law, and by such circulation to Council members shall be deemed to have been made known to the public.
2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.
3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
4. Every By-law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.
5. When a By-law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.
6. Every By-law once passed and / or Agreement once authorized shall be dated and duly signed and sealed by the Mayor or presiding officer at the meeting and Clerk or designate.
7. Any By-law that is not circulated to members of Council as referred to in section 9.0 of this By-law shall be by Motion read a first time, read a second time, referred to Committee of the Whole and with the support of a majority of Council read a third time and passed.

8. At a Council or Committee meeting where a public meeting has been scheduled under the *Municipal Act, 2001, the Planning Act, the Development Charges Act* or any other Act to receive public input in the consideration of any By-law, the By-law shall not be later considered at the same meeting but may be considered at the next meeting.

## **16.0 MOTIONS / RESOLUTIONS**

1. After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.
2. Every Motion as herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.
3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.
4. A motion to amend when duly moved and seconded:
  - a) May be presented verbally or in writing;
  - b) Shall receive disposition of Council before the original question;
  - c) Shall not be amended more than twice before voting;
  - d) Shall be relevant to the question to be received;
  - e) Shall not be received proposing a direct negative to the question;
  - f) May propose a separate and distinct disposition of a question;
  - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Mayor or Chair no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
6. The decision of the Mayor as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
7. Any member may require any question to be repeated from the Chair prior to the voting on such question.
8. If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote with the Chair voting last.
9. A failure to vote under Clause 8., above, by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

10. The Mayor shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.

**17. NOTICE OF MOTION**

1. A member may introduce a notice of motion directly to a Council or Committee meeting, following which a copy of the motion shall be filed with the Clerk and the motion shall form part of the next Council Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of a majority of the members present.

**18.0 RULES OF DEBATE**

1. Every member prior to speaking to any question or motion must first be recognized by the Chair.
2. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
3. The following motions may be introduced without notice and without leave and shall take precedent over the main Motion in the descending order in which they appear starting at a):

		Type of Motion
a)	Fix the time for a continued meeting	Privileged
b)	Adjourn	Privileged
c)	Recess	Privileged
d)	Raise a question of privilege – Council	Privileged
e)	Raise a question of privilege – Individual	Privileged
f)	Postpone temporarily	Subsidiary
g)	Close debate	Subsidiary
h)	Limit or extend debate	Subsidiary
i)	Postpone to a certain time	Subsidiary
j)	Refer to a Committee	Subsidiary
k)	Amend	Subsidiary
l)	Postpone indefinitely	Subsidiary
m)	Motion(s)	Main

**19.0 RECONSIDERATION**

A motion to reconsider a Resolution entered upon the Minutes shall not be received or put unless agreed upon by two thirds of the Members present prior to the question being considered and any motion to reconsider shall be considered a main motion.

## **20.0 PROCEDURAL APPEALS**

1. Any member may raise a point of order.
2. The Chair shall decide all questions of order and the decision of the Chair shall be final, subject to appeal, with the Chair retaining the option of putting any question of order to Council and in such instances the decision of Council shall be final. Upon appeal of any decision of the Chair the question of order shall be decided by Council and the decision shall be final.

## **21.0 COMMITTEES**

1. The Council shall at its first Session in December nominate and elect the following Standing Committees in the manner and composition as follows:
  - a) Infrastructure and Recreation Committee – Chairperson and three other designated members responsible to attend the Committee’s scheduled meetings, all being members of Council and all having voting privileges. The remaining three members of Council are entitled to attend any meeting and have voting privileges when in attendance. The Chair may enter into debate but will move out of the Chair and name another member to assume the Chair if requested by a majority of the other members present.
  - b) Finance and Administration Committee - Chairperson and three other designated members responsible to attend the Committee’s scheduled meetings, all being members of Council and all having voting privileges. The remaining three members of Council are entitled to attend any meeting and have voting privileges when in attendance. The Chair may enter into debate but will move out of the Chair and name another member to assume the Chair if requested by a majority of the other members present.
  - c) Planning and Building Committee – Chairperson and three other designated members responsible to attend the Committee’s scheduled meetings, all being members of Council and all having voting privileges. The remaining three members of Council are entitled to attend any meeting and have voting privileges when in attendance. The Chair may enter into debate but will move out of the Chair and name another member to assume the Chair if requested by a majority of the other members present.
2. The Rules of Procedure for Committee operation shall be those contained in this By-law unless otherwise prescribed by statute or law.
3. Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.
4. The Head of Council shall be an ex-officio member of all Town Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.

AND FURTHER that this By-law does hereby repeal and replace By-law No. 2007 - 29 in its entirety and any previous By-laws of the former Town of Thornbury or former Township of Collingwood to govern the calling, placing and proceedings of Council meetings;

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this tenth day of August, 2009

Original signed by:

.....  
Ellen Anderson, Mayor

Original signed by:

.....  
Corrina Giles, Deputy Clerk

SCHEDULE "A"

**Corporate Policy POL.COR.07.01,  
Accountability and Transparency of Town Actions to the Public**

## TOWN OF THE BLUE MOUNTAINS

### POLICY & PROCEDURES

Subject Title: **Accountability and Transparency of Town Actions to the Public**  
**Rev. 06.08.09**

Corporate Policy (Approved by Council)

Policy Ref. No.: POL.COR.07.01

Administrative Policy (Approved by CAO)

By-law No.: 2007-115

Department Policy: (Approved by Mgr.)

Name of Dept.: Administration

Date Approved: December 10, 2007

Staff Report: A.07.33

#### Policy Statement

Policy direction for the manner in which the municipality will try to ensure that it is accountable to the public for its actions and that its actions, including decisions, are transparent to the public.

#### Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

#### Application

This Policy applies to the actions or decisions to be undertaken or made by the municipal Council, its Senior Management Team, Committees and Local Boards, all collectively called the “municipality”, for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy in which it demonstrates to the public that its processes for decision-making are transparent and that it is accountable to the public for the decision made.

## Definitions

**Accountability:** means the municipality accepts the responsibility for their actions and are prepared to account to the public for same, and demonstrate that its actions are appropriate within its procedures, policies and applicable legislation.

**Transparency:** means the municipality, through its Council and Staff, will ensure that the public has the ability to observe its actions and decision-making in public.

**Committee:** means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

**Local Board:** means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.

## Procedures

1. Council, Staff, Committees and Local Boards will comply with the requirements of this Policy document and:

Town Policy POL.COR.07.02, Sale and Other Disposition of Land,  
Town Policy POL.COR.07.03, Provision of Notice to the Public,  
Town Policy POL.COR.07.04, Delegation of Powers and Duties,  
Town Policy POL.COR.07.05, Procurement of Goods and Services,  
Town Policy POL.COR.07.06, Hiring of Employees, and  
Town Policy POL.COR.07.07, Council Code of Conduct

as they are approved, so as to demonstrate accountability and transparency in the municipal decision-making process.

2. Council, Staff, Committees and Local Boards will comply with the requirements and provisions of By-law No. 2009-59, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains. This By-law also applies to meetings of Local Boards. By-law No. 2009-59 contains extensive requirements for the giving of notice of meetings, early production and release of Agendas, pre-circulation of Agenda items and openness of meetings.

3. Council, Committee and Local Board Meeting Agendas shall contain a Staff Recommendation for consideration on every Agenda item and while such Recommendations are not binding, members of the public will be aware of Staff Recommendations on Agenda items upon the release of the meeting Agendas prior to the meeting. Council and Staff shall make every effort to minimize addendums to Agendas.
4. Council and Staff will be open, accountable and transparent in financial decision-making as required by the *Municipal Act, 2001*. Examples would include completion of an annual external audit by an independent auditor and reporting of a Financial Information Return to the Province, as well as production of Monthly Budget Variance Summary Reports. A Public Consultation is also scheduled and advertised annually prior to any final consideration of a corporate budget.
5. Council, Committees and Local Boards may schedule public meetings or public information sessions from time to time to hear public input on various matters. These public meetings or public information sessions may be conducted to comply with a statutory requirement or may be optional where Council is seeking public input on any matter or action, and where such a public meeting is scheduled to hear input on a matter, no decision shall be considered or made on the matter until a subsequent meeting of the convening body or Council.
6. Council will adopt a Code of Conduct for members of Council, Committees and Local Boards detailing the responsibilities of elected, hired and appointed officials in the public sector.
7. Council will appoint a Closed Meeting Investigator with the function to investigate in an independent manner, on a complaint made, whether Council or a Local Board has complied with Section 239 of the *Municipal Act, 2001* with regard to any meeting closed to the public.
8. Council and Staff are committed to providing a strong, well-managed municipal government.
9. Council and Staff are committed to practicing open and proactive communications and involving the community, business sector, developers, public partners and others in the ongoing work of the municipality.

## **Exclusions**

This Policy would apply to all actions and decisions of the municipality without exclusion or exception, unless otherwise provided for by statute.

## **References and Related Policies**

The *Municipal Act, 2001*, Town Policies POL.AD.07.02 through POL.AD.07.06 inclusive and POL.FS.07.01, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

## **Consequences of Non-Compliance**

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

## **Review Cycle**

This policy will be reviewed annually by the C.A.O., Senior Management Team and Council in open session.

SCHEDULE "B"

**Deputation and Procedure Form**



## **Information on Council and Committee Meetings: Deputation and Procedure**

Town of The Blue Mountains  
26 Bridge St. E.  
Thornbury, ON N0H 2P0  
519-599-3131  
1-888-258-6867  
[www.thebluemountains.ca](http://www.thebluemountains.ca)

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This brochure explains the procedure for making a presentation at The Blue Mountains Council and Committee Meetings. We encourage delegates to make their requests to speak in writing to the Clerk's Office and to address issues at the Committee Level first.

Personal information on this form is being collected pursuant to the Freedom of Information and Protection of Privacy Act and may form part of the public record which may be released to the public in hard copy and / or electronically. Questions about this collection should be directed to the Town Clerk of The Blue Mountains.

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## Deputation Form - Request to make a Deputation

To speak at a meeting of Council or Committee, you must complete this form and submit it to the Town Clerk to ensure that your name and address are accurately noted. Council Agendas are finalized the Wednesday prior to the Council meeting, and if a Request Form is received after 10:00 am on Wednesday or if the Agenda is deemed full, the Request Form shall be considered at the next appropriate meeting.

Subject / Application: \_\_\_\_\_

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I wish to address Council / Committee                       I request future notification of meeting.

Related or background information **shall be** attached for circulation to Council

Name: \_\_\_\_\_

Firm / Organization (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Email: \_\_\_\_\_

Residential Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Signature: \_\_\_\_\_

### How to Make a Deputation:

1. Please submit this completed form to the Clerk
2. Please state your name and address prior to speaking, and
3. Please provide a copy of materials used in your presentation, if any, to the Clerk for the official record of the Town. Material provided prior to the meeting will be circulated to Council for their review before the meeting.

**Decorum dictates respect for all opinions and individuals are reminded there is zero tolerance for coarse language and inappropriate behaviour. By submitting this Form you have indicated agreement with this requirement.**

***How can I speak at a Council or Committee meeting?***

If you wish to make a presentation to Council or Committee at a regularly scheduled meeting, please complete the Deputation Form on the back of this flyer and return it to the Town Clerk.

***Please note: We encourage delegates to make their presentation at the Committee level, where possible.***

Council routinely refers matters to an appropriate Standing Committee for detailed review and recommendation back to Council and contact first with a Committee would expedite any process requiring a decision to be made by Council.

***How long may I speak?***

The Town's Procedural By-law allots deputations up to ten minutes to address the members.

***What is the procedure?***

All comments are directed to and through the Meeting Chair. Members of Council or Committee may, through the Chair, direct a response or question where appropriate. No more than one person shall speak at one time and at all times, proper language, speech and decorum shall be maintained. The Chair may direct that any person in violation of proper decorum be expelled from the meeting location.

***What happens after I speak?***

After you have spoken and answered any questions, please return to your seat and remain silent being cognizant of the fact it is now time for Members of Council to debate the issue and make their decision or defer a decision pending additional information. Although the Mayor and Members of Council encourage the public to present their opinions, necessary decorum dictates that all opinions must be respected and outburst from the gallery cannot and will not be tolerated.

***When does Council meet?***

Council meetings are generally held on the **second** and **fourth Monday** of each month. The meetings start at 7:00 p.m. and are **currently** held in the Gallery at the L.E. Shore Memorial Library unless otherwise indicated. Deputations are scheduled at the beginning of the meeting.

***Where can I get a copy of the meeting agenda?***

Copies of Council agendas are available from the Clerk's Office on the Wednesday afternoon preceding the Council meeting after 3:00 p.m., on the Town's website, or at the meeting.

***What is a Standing Committee?***

Standing committees are established to discuss issues in detail before making recommendations to Council. Standing Committees report directly to Council. Standing Committee meetings are **currently** held at **various locations** and are open to the public. The prominent standing committees are:

- **Finance and Administration Committee** considers matters relating to finance and budget items; personnel matters; fire and emergency services matters; billing and financial matters relating to Town policies and by-laws. It generally meets the third Tuesday of the month at 2:00 pm with 4 members of Council appointed.
- **Infrastructure and Recreation Committee** considers matters relating to water and wastewater management; roads and transportation; waste management; matters related to the development and management of public parkland facilities and operations within Thornbury Harbour and the Beaver Valley Community Centre; matters related to recreation and leisure services; trails and walkways. It generally meets on the second and fourth Tuesday of each month at 7:00 pm with 4 members of Council appointed.
- **Planning and Building Committee** considers matters that The Blue Mountains is responsible for under the Planning Act; Condominium Act; Building Code Act and By-law Enforcement matters. It generally meets the **first Monday** of each month at 7:00 pm with 4 members of Council appointed as designated members with the rest of Council authorized to attend and participate in a Committee of the Whole format.

**Public Meetings** are called under the provisions of the **Planning Act**. These meetings give notice and provide a venue to inform the public about applications for development in Town and are scheduled during Planning and Building Committee Meetings. Notice of such Public Meetings are mailed to immediate area residents and published in local newspapers. Under the Planning Act, **if you do not express your views** at a Public Meeting or in writing to the Clerk's Department before or during the Public Meeting, the Ontario Municipal Board (O.M.B.) may refuse your request for referral (objection) or dismiss all or part of your appeal without holding a Hearing.

***Who are the current members of Council? How can I reach them?***

Members of The Blue Mountains Council for the December 2006 to November 2010 term are listed below. All members can be reached through the **indicated** telephone numbers.

<b>Mayor</b>		De facto member of all Committees
Ellen Anderson	519-599-3131 x235	
<a href="mailto:mayor@thebluemountains.ca">mayor@thebluemountains.ca</a>		
<b>Deputy-Mayor</b>		Infrastructure and Recreation Planning and Building
Duncan McKinlay	519-599-6685	
<a href="mailto:dmckinlay@thebluemountains.ca">dmckinlay@thebluemountains.ca</a>		
<b>Councillor</b>		Finance and Administration Planning and Building
Gail Ardiel	519-599-6474	
<a href="mailto:gardi@thebluemountains.ca">gardi@thebluemountains.ca</a>		
<b>Councillor</b>		Finance and Administration Infrastructure and Recreation Planning and Building
R.J. (Bob) Gamble	519-599-2035	
<a href="mailto:bgamble@thebluemountains.ca">bgamble@thebluemountains.ca</a>		
<b>Councillor</b>		Finance and Administration Infrastructure and Recreation
Joe Halos	519-599-3156	
<a href="mailto:jhalos@thebluemountains.ca">jhalos@thebluemountains.ca</a>		
<b>Councillor</b>		Planning and Building
Michael Martin	519-599-5048	
<a href="mailto:mmartin@town.thebluemountains.on.ca">mmartin@town.thebluemountains.on.ca</a>		
<b>Councillor</b>		Infrastructure and Recreation Finance and Administration
John McKean	705-445-9479	
<a href="mailto:jmckean@thebluemountains.ca">jmckean@thebluemountains.ca</a>		

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For further information about Council or Committee Meetings, or for meeting dates and times, please contact the Clerk's Department at 519-599-3131 x232 or visit the Town's website at [www.thebluemountains.ca](http://www.thebluemountains.ca)